

**REMARKS**

The Applicants appreciate the Examiner removing the finality of the Office Action dated October 30, 2007 and issuing the new, non-final Office Action dated April 30, 2008.

This is a response to the Office Action dated April 30, 2008. The Examiner has rejected claims 1, 2, 5-7, 9, 10, and 19-24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,868,754 ("Levine"). Claim 1 has been amended. Claim 25 has been added. No new matter has been added. Support for these amendments are found at least at Figures 1-3 and 5-7. Reconsideration of the application is respectfully requested in light of the following remarks.

**Interview Summary**

The Applicants appreciate the Examiner granting the undersigned attorney a telephone interview held on April 2, 2008. During the Interview, the Examiner invited Applicants to amend claim 1 to recite a closure member having a sufficient length for closing the loop but not extending beyond a distal tip of the loop. This amendment was discussed as structurally distinguishing over the protective sheath 304 (Figure 3) of U.S. Patent No. 5,868,754 to Levine.

**Claim Rejections - 35 U.S.C. § 102 Rejection**

The Examiner rejected claims 1, 2, 5-7, 9, 10, and 19-24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,868,754 to Levine ("Levine"). The rejection is respectively traversed.

Independent claim 1 is directed to a wire guide comprising an elongate member defining a loop in which a closure member closes the loop. Claim 1 as amended requires in relevant part "a closure member having a sufficient length for closing the loop . . . and wherein the closure member does not extend a substantial longitudinal distance beyond the plurality of locations." Figures 1, 2, 3, 5, 6, and 7 are embodiments of the claimed closure member. The Figures show that the closure member 24 longitudinally spans from the base of the loop 22 tip structure along the proximal direction of the elongate member 12 but does not extend substantially

beyond the distal tip 28 of the loop 22. The closure member 24 functions to close and maintain the loop structure 22.

On the contrary, the sheath 304 of Levine is not “a closure member having a sufficient length for closing the loop . . . wherein the closure member does not extend a substantial longitudinal distance beyond the plurality of locations.” Rather, the sheath 304 is designed to serve as a protective polymeric coating which proximally extends significantly beyond the distal tip of the loop 104. Levine, Col. 5, ll. 43-50, Figures 3 and 4. Additionally, the sheath 304 does not close and maintain the loop 104 as required by claim 1. Rather, the loop 104 closes by itself because it is soldered or welded to the core wire 102. Levine, Col. 4, ll. 18-24. Accordingly, because the sheath 304 of Levine is structurally different from the claimed closure member, Levine fails to teach each and every limitation of amended claim 1.

For the reasons described above, Applicants respectfully submit that independent claim 1 is allowable. Likewise, claims 2, 5-7, 9, 10, and 19-25 which are dependent from claim 1 are also allowable. Applicants therefore request that the Examiner withdraw this rejection of these claims.

### **Conclusion**

The rejections in the Office Action dated April 30, 2008 have been addressed. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

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Date

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